

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 621(a)(1) of the Cable	)	MB Docket No. 05-311
Communications Policy Act of 1984 as amended	)	
by the Cable Television Consumer Protection and	)	
Competition Act of 1992	)	

**COMMENTS OF  
CITY OF KANSAS CITY, MISSOURI**

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February 13, 2006

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### I. INTRODUCTION.

In the Notice of Proposed Rulemaking adopted by the Commission in MB Docket No. 05-311, *In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, two primary questions are posed: (1) Do local franchising authorities impose unreasonable barriers to entry of new competitors to incumbent cable television operators; and (2) Do local franchises impair competition and stop broadband deployment.

The Commission seeks information concerning the actual experience of local franchising authorities as they have met the requests of new businesses seeking to compete with incumbent cable television operators. The City of Kansas City, Missouri has faced issues involved in new competition and respectfully offers its experience for the Commission's consideration.

These comments will explain that the operation of local franchising in Kansas City, Missouri created no barrier to entry into the video market for hopeful competitors to the incumbent cable television operator, Time Warner Cable, and that competition and deployment of new broadband systems have not been hampered by franchising requirements.

Additionally, the City of Kansas City, Missouri, joins in the comments of the National League of Cities and the National Association of Telecommunications Officers and Advisors and the more detailed discussion of the factual and legal issues posed by the Notice of Proposed Rulemaking.

## **II. BACKGROUND – KANSAS CITY, MISSOURI.**

It is important that a basic understanding of Kansas City and its place in its local metropolitan area be presented so that issues involved in franchising can be better understood. The need for this background is, in fact, obvious evidence of the need to “localize” regulation of the details of franchises so that potential competitors will not be faced with rules that may best fit another type of locality.

Kansas City is the 39th largest city in the United States by population; the latest Census Bureau estimates (July 2004) report 444,387 residents. But it is also one of the largest cities when measured by geography; it is about 322 square miles spread over four counties. Kansas City includes traditional urban neighborhoods as well as neighborhoods best described as suburban. It also includes rural areas, where some City residents still engage in farming. The importance of considerations of density can be seen in a comparison of Kansas City with the 10 cities above and below it in population. Of these 21 cities Kansas City is only greater in population density than Oklahoma City, Oklahoma. The table showing population density is attached as Exhibit 1.

Build-out requirements are just one type of regulation that is significantly impacted by the size and population of a city, and will be discussed as they were implemented by Kansas City.

## **III. CABLE FRANCHISING IN KANSAS CITY.**

Kansas City’s first cable television franchise was granted to Kansas City Cable Partners in 1979.<sup>1</sup> It was amended and renewed in 1994 for a second 15-year term, and is now with Time Warner Cable.<sup>2</sup> At the time of the 1994 amendment and renewal the City enacted a Cable Television Code for the purpose of providing uniform treatment of any future providers and to permit appropriate regulation of construction and right of way occupancy outside a contractual framework. The Cable Television Code addresses general matters important to the City and potential multi-channel video providers for access to the City’s rights of way, and payment of the 5% fee. An outline of the code is provided as Exhibit 2.

The franchise agreement addresses issues unique to the parties, such as:

- (1) Term of the Agreement;
- (2) Limitation on the transfer of franchise rule to automatically allow transfers between an affiliate of the franchisee if the control over the operations of the company within Kansas City did not change;
- (3) Time requirements for system upgrade;

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<sup>1</sup> Second Committee Substitute for Ordinance 49910 (effective February 8, 1979), amended by Ordinance 58260, As Amended (effective September 15, 1985).

<sup>2</sup> Committee Substitute for Ordinance 930358 (effective September 4, 1994).

- (4) Requirement that the franchisee provide a basic cable drop with no monthly charge to each government facility or school that was already receiving that service at no cost;
- (5) Requirement that the franchisee provide a basic cable drop to specified buildings if requested by the cable franchise administrator;
- (6) Permission granted by the City for the franchisee to charge for necessary equipment, e.g., amplifiers, or for relocation of drops;
- (7) Agreement that the City would assist the franchisee is providing service to low density areas through various cooperative methods, such as cost sharing with land developers or private parties;
- (8) Required extension of the service to certain areas within the downtown of Kansas City;
- (9) Reservation of right for the City to establish a public access channel under certain terms, such as six months notice to the franchisee, costs to implement the requirement were authorized to be passed through to customers;
- (10) Establishment of two educational access channels with the right to require a third if available programming could not be reasonably cablecast on the two existing channels;
- (11) Establishment of a government access channel;
- (12) Equipment purchases for the government channel of \$300,000 within 90 days of the effective date of the ordinance approving the franchise, and \$100,000 on the third, sixth, ninth, and twelfth anniversary of the ordinance;
- (13) Continued connection to the existing institutional network for hospitals, libraries, fire stations, police stations, colleges and universities, and the City Hall, or connection during the upgrade of the system;
- (14) Agreement for payment to the franchisee for connection to the institutional network if the connection is over 200 feet from the franchisee's system or will cost more than \$1,000 for the franchisee to make the connection;
- (15) Establishment of arbitration procedures; and
- (16) Level playing field provision.

In addition to Time Warner Cable, Comcast serves several hundred Kansas City households in areas that do not meet the build-out requirements of the Cable Television Code. These are areas on the eastern edge of the City adjacent to cities served by Comcast, often with housing subdivisions bisected by a city boundary. Comcast pays a 5% franchise fee, but Kansas City imposes no other obligations on Comcast and permits it to apply the terms of the adjacent city's franchise to those few Kansas City residents served by Comcast.<sup>3</sup>

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<sup>3</sup> Committee Substitute for Ordinance 930358, §2 (effective September 4, 1994).

Time Warner Cable has consented several times to a further invasion by Comcast into Kansas City in areas Time Warner Cable is not required by the Cable Television Code to serve. Consent by Time Warner Cable eliminated any suggestion that Comcast became an overbuilder and was required to build throughout the City. This practice between the City, Time Warner Cable, and Comcast can be thought of as “reverse cherry picking.” Areas that are not prime construction areas for the incumbent are served by an adjacent provider without implicating any level playing field requirements. This local regulation unique to a city the size (population and area) of Kansas City results in the provision of *greater* competition in those potentially unserved areas. Where the only choice for residents in the sparsely populated areas of Kansas City would otherwise be satellite, Comcast – a non-incumbent provider – provides at least some level of competition. This arrangement is a factor of local conditions which could never reasonably be addressed through a national franchise system.

#### **IV. POTENTIAL LAND-BASED COMPETITION.**

Time Warner Cable spent three years upgrading its Kansas City system following execution of the 1994 franchise. By 2000 potential competitors approached the City to determine what would be necessary to also provide multi-channel video programming as part of a package of video, Internet and telephony. Digital Access, Everest Connections, and WideOpenWest each entered into discussions to overbuild Kansas City.

##### ***A. Digital Access***

Within a year of approaching Kansas City and other cities in the metropolitan area, Digital Access closed its doors without serving a single customer. At that time Digital Access CEO Joseph Cece was reported by the American Bankruptcy Institute as saying the failure to raise the needed \$850 million to overbuild Kansas City, Milwaukee, Indianapolis and Nashville caused the company to cease operations and return the money left from its original \$450 million private equity funding. He said: "By the fourth quarter of last year, we began to see what the capital markets looked like. We evaluated some strategic alternatives and, at the end of the day, made the decision."<sup>4</sup>

##### ***B. Everest Connections.***

Everest Connections, a local Kansas City company funded by a Kansas City-based gas and electric utility, Aquila (then UtiliCorp), sought – and obtained – a franchise to overbuild Time Warner. The franchise was consistent with the Cable Television Code and the Time Warner franchise. However, local considerations and needs were addressed by agreeing to negotiate in good faith one year *after* the franchise was signed to determine appropriate levels of access channel support. Everest was required to place educational and government access on specific channels to match that of the incumbent system to avoid confusion and costs involved in trying to brand a single service, such as

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<sup>4</sup> 5 *Troubled Company Reporter* (March 9, 2001) <[http://bankrupt.com/TCR\\_Public/010309.MBX](http://bankrupt.com/TCR_Public/010309.MBX)> citing *American Bankruptcy Institute World* March 7, 2001).

the government access channel known as KCCG-2, for another system's channel assignment. It was explicitly stated financial support would not be required until at least 90 days after customers were served. A three-year build out schedule was agreed to by Everest; this matched the upgrade schedule of Time Warner in 1994.<sup>5</sup>

Everest very quickly felt financial pressure and sought permission from the City to postpone a determination of government channel support for 36 months rather than 12 months. But more importantly, Everest sought an extension in which to build out the City, following the density requirements of the Cable Television Code, from three years to seven years. These changes were in addition to the permission granted Everest to not build out in separate areas of the City at the same time as was done originally by American Cablevision.

Because of the great geographic size and diversity of neighborhoods American Cablevision turned on its system in the early 1980s by providing service to neighborhoods in the north, central and south part of the City at the same time. But Everest's technology did not allow for this segmented build out of the system. The City authorized the build out of the system to emanate from a single location and move out from that point. These requested changes were allowed by the City Council in the hopes of keeping a potential competitor to the incumbent alive.<sup>6</sup>

The response by Kansas City to this overbuilder did not stop with an extension of a build out requirement to seven years. Seeing it could not build out the appropriate sections of Kansas City's 322 square miles Everest sought and received permission to operate an open video system.<sup>7</sup> The Commission's Memorandum and Order explained that the expressed overriding concern of the City was providing competition to the incumbent, Time Warner Cable:

The City states that it was recently informed that Everest would be unable to continue with its construction of the system, even with the extended construction schedule, because of difficulty negotiating economically feasible pole attachment agreements and other financial concerns. The City states that Time Warner Cable is the primary source of multi-channel video programming within Kansas City and asserts that the potential for competition is its overriding concern with respect to Everest's continued presence in Kansas City. It asserts that because of the priority placed on competition in the multi-channel video programming market in Kansas City, the City does not oppose the application of Everest to become an OVS provider rather than serve the City as a cable television system operator. However, the City states its intention to require of any OVS provider a franchise, to impose the 5% gross revenue charge identical to

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<sup>5</sup> Committee Substitute for Ordinance 000449 (effective April 23, 2000).

<sup>6</sup> Ordinance 011417 (effective October 21, 2001).

<sup>7</sup> *In the Matter of: Everest Midwest Licensee, L.L.C. Certification to Operate an Open Video System*, MEMORANDUM AND ORDER, Case No. DA 03-796 (adopted March 13, 2004; released March 14, 2004).

that imposed on a cable operator, and to implement fair PEG requirements and obligations.<sup>8</sup>

Everest Connections had about 1,000 customers in Kansas City at this time. To foster continued growth of that customer base the City agreed to not impose franchise requirements on Everest until it had 7,500 customers in Kansas City. Everest's obligation is to inform the City when it has 5,000 customers so the parties may begin negotiations. Everest pays the City a 5% franchise fee and 5¢ per subscriber per month for support of access channels. This 5¢ charge is the per subscriber amount passed through to subscribers by Time Warner Cable for its franchise imposed obligations.<sup>9</sup>

### **C. WideOpenWest**

As Everest Connections approached the City in 2000 for a franchise, WideOpenWest also made inquiries. In late April, 2000 representatives of WideOpenWest met with a representative of the City to discuss overbuilding the Time Warner Cable system. The Everest Connections franchise was offered to WideOpenWest with the only changes being the name of the franchisee.<sup>10</sup> On April 26, 2000, WideOpenWest wrote to the City:

Bill, further to our conversation yesterday in your office, we would like to confirm our intentions to obtain a cable franchise from the City of Kansas City Missouri. We have reviewed the franchise recently awarded and will accept the same franchise requirements. Just change the name to WideOpenWest Missouri, LLC.

\* \* \*

Bill, WideOpenWest looks forward to bringing the residents of Kansas City a competitive choice for broadband solutions to the home.<sup>11</sup>

An ordinance was prepared and presented to the City Council *the next day*. It was to be heard by a committee of the City Council *the next week*, and was on the City Council's docket for action *the week after that* on May 11, 2000. On May 10, 2000 the City received a letter indicating WideOpenWest would not enter into the agreement because the company decided not to enter a market where it could not be the first or only overbuilder. Kansas City was told:

We would be more than happy to have a re-look at the market if the new franchisee does not perform up to your expectations. We think Kansas

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<sup>8</sup> Id. at ¶4.

<sup>9</sup> Committee Substitute for Ordinance 040566 (effective June 13, 2004).

<sup>10</sup> Ordinance 000609 (released from consideration prior to passage).

<sup>11</sup> E-mail to Assistant City Attorney William Geary from John Manka, Vice President Market Development, WideOpenWest of April 26, 2000.

City is a great market and would love to be welcomed back under the right conditions.<sup>12</sup>

#### **D. Summary**

The failure of competition by Digital Access was not the fault of the franchising authority. It was a market failure for the company. The failure of competition by WideOpenWest was not the fault of the franchising authority. It was a business decision by WideOpenWest to not compete against an incumbent and another overbuilder. It determined it would not enter the business because of the nature of the competition that existed.

The franchising process for Everest Connections was done within *two months* of the first discussion. The franchising process for WideOpenWest was done within *two weeks* of the discussion at which WideOpenWest made a decision to compete in Kansas City.

#### **V. LOCAL FRANCHISES REFLECT LOCAL CONDITIONS**

The unique local considerations necessary to insure protection of the public property demanded by multi-channel video providers for their private uses are best addressed by local agreements.

The issues raised by traditional telephone companies reflect a desire by these telephone companies to finally enter into what they believe will be a lucrative market without any of the protections of local franchising. That many communities must be consulted before the companies can build large systems for distribution of video programming is simply the recognition that the companies want to build large systems. But then, it is still only a recognition that the companies want to build large systems using public property only in areas they believe can be easily and quickly accessed and will be easy to quickly make large returns.

There is a disingenuous tinge to statements that economic redlining will not be done by the telephone companies if they are permitted to pick the areas they will serve. The fact that they may pick the territory in the first place is the crux of the build out requirement problem. The term “economic redlining” is used to insure the Commission understands the City is not suggesting there is any racial basis for the decisions telephone companies want to make.

Economic redlining implies services will not be offered within a jurisdiction because of the cost to serve the entire jurisdiction. In Kansas City, the redlining would be expected to reflect population density and household income. Services will only be offered to neighborhoods where the demographics show a high rate of return.

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<sup>12</sup> Letter to Assistant City Attorney William Geary from John Manka, Vice President Market Development, WideOpenWest of May 10, 2000.



The interests of cities strongly support the availability of competition to the incumbent cable operator. The story of Kansas City shows that local government will take actions necessary to protect the availability of competition, even if those actions are taken with the slim hope that changes can be made by the new entrant.

But competition must be for all citizens who can reasonably be served.

In the Kansas City metropolitan area the incumbent, Time Warner Cable, has taken steps to dramatically cut prices of services where the overbuilder, Everest, also offers service. For example, Lenexa, Kansas enjoys such competition.<sup>13</sup> Kansas City does not enjoy that competition.<sup>14</sup> But residents of Kansas City will only enjoy actual competition from telephone companies if local franchising is allowed to address local conditions, including build out requirements.

Five examples may show in elementary terms the impact of leaving the build out decisions to telephone companies:

- High Income – Large Lot Estates;
- High Income – Densely placed Town Homes;
- Middle Income – Suburban-type Housing;
- Low Income – Dense Central City Neighborhoods; and
- Low Income – Large Lot Older Depressed Neighborhoods.

Although high income persons would normally be thought of as attractive potential customers for a service that has seen its price increases far exceed inflation, if they live in such areas that the cost of the infrastructure is too high for the type of return demanded by the telephone companies' shareholders, those persons may be left without competition from another land-based service. But middle income people in average area lots in suburban-type housing subdivisions may be ideal targets for the telephone companies. Continuing on, low income people in densely populated areas may be attractive customers if the telephone company can secure enough new customers for multi-channel video programming or can take from the incumbent cable operator enough current subscribers that the infrastructure costs will be met. The customer rate may need to be higher than in a high income – densely populated neighborhood to make up for fewer “high end” service customers and more collection problems in low income areas.

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<sup>13</sup> *In the Matter of Kansas City Cable Partners: Petition For Determination of Effective Competition – Lenexa, Ks.*, MEMORANDUM OPINION AND ORDER, CSR-5711-E (Adopted October 17, 2001; Released October 19, 2001).

<sup>14</sup> *In the Matter of Kansas City Cable Partners: Petition For Determination of Effective Competition in Kansas City, Mo*, MEMORANDUM OPINION AND ORDER, CSR-6104-E (Adopted January 28, 2004; Released January 29, 2004).

There are people in the City are still left out of the benefits of competition – those living in sparsely populated areas, whatever their income level. Telephone companies wish to ignore those people, while using public resources.

A company that cannot afford to serve all citizens may choose to serve none of them. In the Kansas City experience the reasons over builders did not continue was the inability to raise funds during the telecommunications bust years or the unwillingness to compete with an incumbent and another over builder. But still, refusing to serve expensive areas may be the reasonable economic thing to do. It may even be the reasonable regulatory thing to do. But these are decisions best made locally.

In Kansas City the build out requirements are not absolute. Section 19.55 of the Cable Television Code defines the City's line extension requirements for video providers. Any video provider must serve residential areas when the density meets one of these two standards:

- (1) 35 occupied residential units per street mile
- (2) 20 occupied residential units per cable mile<sup>15</sup>

Residential areas outside this rule will be served if a run of less than 200 feet of cable will attach the structure to the cable system. Any other houses or multi-dwelling units can be served through a cost sharing agreement with the developer of a new subdivision, or by the payment of the costs for extension to these isolated areas by the potential subscriber. Kansas City also excuses compliance with access channel requirements, customer service standards, and similar requirements if an operator can only serve Kansas City homes by extending service from a head end designed to serve another franchise area.

## **VI. SUMMARY AND CONCLUSION.**

These local considerations are only possible when local rules apply. Telephone companies seek to provide competition to incumbent cable television operators when and where they choose **within the geographic boundaries of a single city**. This is particularly true for cities like Kansas City that have moderate populations and large geographic areas. Again, reference to Exhibit 1 shows that serving Kansas City has considerations unlike serving some other cities, such as Miami, Florida where the population density is over 7½ times that of Kansas City.

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<sup>15</sup> Density per cable mile is computed by dividing the number of residential dwelling units in the area by the length, in miles or fractions of miles, of the total amount of aerial or underground cabling necessary to make service available to the residential dwelling units in the area in accordance with the design parameters of the system being constructed. The cable length is measured from the nearest point of access to the existing system, provided that such access is technically feasible, and located within the streets, other public property, private easements or rights-of-way. The total cable length excludes the drop cable necessary to serve individual subscriber premises. §19.55(7), Cable Television Code.

Telephone companies seek to use public property to provide *some* of the public with competition. Cities such as Kansas City have shown that the franchising process for an overbuilder is not a roadblock to serving new customers. Kansas City has consistently shown its willingness to cooperate with new businesses to provide the benefits of competition to its citizens. Simply saying the market will take care of any inequities is not an answer to the real conditions that exist in Kansas City.

Undoubtedly there are issues that must be worked out. For example, how is a city like Kansas City to be considered since the major incumbent telephone service provider, AT & T, does not provide local service to all areas of the city? Again, the *local* conditions must be considered. Should AT & T be required to build out in new areas where it will be forced to compete with an incumbent local service provider? Issues of competitive fairness would dictate “yes”, it should provide its competitive services throughout the City. Issues of timing might dictate “yes, but not at first” as the answer. These are, however, local decisions to be made to meet local conditions.

Franchising rules – or the lack of rules, which is the real request of the telephone companies, might serve new *competitors*. But the lack of rules does not serve *competition* in a local market that is not free and open now. The lack of rules does not serve the *beneficiaries of competition*. Decisions should be made for the benefit of competition and the beneficiaries of competition, not simply for the benefit of business wishing to become competitors without the local requirements met by the existing providers.

It is too often forgotten that the public property that the telephone companies wish to use is not the property of every business wishing to take up space. It is the property of the public and should be used for the benefit of the public. Again, rules that benefit *only* the competitors should not be implemented. Rules must benefit the potential beneficiaries of competition. If those rules can be identified, then the fact that they may become less burdensome is a benefit to the competitors that will help continue the benefits to the citizens. Consideration must begin with the people local government serves and the people the telephone companies wish to secure as customers. They are, after all, the same people.

It is simply inconceivable how the idea that any payment for the use of the right of way – whether in the form of periodic equipment purchases for the government’s use in its access programming, or simply the payment of rent, or the provision of civil defense / emergency notice systems – has become a sign of the fall of American economics. It is simply inconceivable how the idea that the right of way is not free to private businesses and their shareholders has become a hammer pounding on local governments as they work to provide true competition in new technologies and services to their citizens.

The City of Kansas City urges the Commission to carefully consider the City’s actual experience as indicative of the true state of competition and the nature of local telecommunications markets. Local rules serve to protect local interests. We lose sight of real people when we speak of a national rule in this area; people do not exist nationally.

They live in a neighborhood in a city or in a county, with friends and acquaintances. There are, of course, human experiences that transcend geography, but the nature of the place they live and the streets they walk and drive present local problems. Telephone companies are in no position to dictate the state of local needs through an excuse from national regulators to ignore those local needs. The Commission is urged to find that the local franchising system thought to be important in the early days of this industry is still vital to the continuation of the advances made for the benefit of citizens and subscribers.

Respectfully submitted,

CITY OF KANSAS CITY, MISSOURI

A handwritten signature in black ink that reads "William Geary". The signature is fluid and cursive, with the first name "William" and last name "Geary" clearly legible.

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## **EXHIBIT 1**

### **POPULATION DENSITY FOR THE NEXT 10 CITIES LARGER AND THE NEXT 10 CITIES SMALLER THAN KANSAS CITY**

**By Population  
July 2004 Census Bureau Estimate**

<b>City</b>	<b>Population</b>	<b>Area (Sq Mi)</b>	<b>Persons per Sq Mi</b>
Miami, FL	379,724	36	10,548
Long Beach, CA	476,564	50	9,531
Oakland, CA	397,976	56	7,107
Minneapolis, MN	373,943	55	6,799
Cleveland, OH	458,684	78	5,881
Las Vegas, NV	534,847	113	4,733
Sacramento, CA	454,330	97	4,684
Fresno, CA	457,719	104	4,401
Honolulu, HI	377,260	86	4,387
Portland, OR	533,492	134	3,981
Omaha, NE	409,416	116	3,529
Mesa, AZ	437,454	125	3,500
Atlanta, GA	419,122	132	3,175
Albuquerque, NM	484,246	181	2,675
Tucson, AZ	512,023	195	2,626
New Orleans, LA	462,269	181	2,554
Tulsa, OK	383,764	183	2,097
Colorado Springs, CO	369,363	186	1,986
Virginia Beach, VA	440,098	248	1,775
Kansas City, MO	444,387	322	1,380
Oklahoma City, OK	528,042	607	870

## **EXHIBIT 2**

### **CHAPTER 19**

#### **CABLE TELEVISION**

##### **ARTICLE I. GENERAL PROVISIONS**

Sec. 19-1. Short title.  
Sec. 19-2. Scope.  
Sec. 19-3. Definitions.  
Secs. 19-4--19-9. Reserved.

##### **ARTICLE II. COMMUNITY VIDEO ADVISORY BOARD**

Sec. 19-10. Continuation of authority.  
Sec. 19-11. Membership.  
Sec. 19-12. Terms.  
Sec. 19-13. Quorum.  
Sec. 19-14. Staff.  
Sec. 19-15. Operator assistance.  
Sec. 19-16. Duties.  
Sec. 19-17. Annual report.  
Secs. 19-18, 19-19. Reserved.

##### **ARTICLE III. FRANCHISE**

Sec. 19-20. Franchise required.  
Sec. 19-21. Current operators.  
Sec. 19-22. Application of chapter.  
Sec. 19-23. Termination of authority.  
Sec. 19-24. Sale or transfer of franchise.  
Secs. 19-25--19-29. Reserved.

##### **ARTICLE IV. CONSTRUCTION AND MAINTENANCE OF A CABLE COMMUNICATIONS SYSTEM**

###### **Division 1. Use of Streets**

Sec. 19-30. Grant of authority and use of streets.  
Sec. 19-31. Compliance with zoning and construction codes.  
Sec. 19-32. Franchise nonexclusive.  
Sec. 19-33. Placement of facilities.  
Sec. 19-34. Relocation for public improvements.  
Sec. 19-35. Board of parks and recreation commissioners.  
Secs. 19-36--19-39. Reserved.

###### **Division 2. Design and Construction**

Sec. 19-40 General construction practices.  
Sec. 19-41. Antennas.  
Sec. 19-42. General operational practices.

Sec. 19-43. Safety.  
Sec. 19-44. Rf leakage.  
Sec. 19-45. Undergrounding.  
Sec. 19-46. Pole attachments.  
Sec. 19-47. Disturbances.  
Sec. 19-48. Authority to trim trees.  
Sec. 19-49. Relocation of facilities.  
Sec. 19-50. Performance guidelines.  
Sec. 19-51. Equipment for hearing impaired persons.  
Sec. 19-52. Performance standards.  
Sec. 19-53. Test procedures.  
Sec. 19-54. Emergency services.  
Sec. 19-55. Line extension policy.  
Sec. 19-56. Low density service.  
Sec. 19-57. Interconnection.  
Sec. 19-58. Reports.  
Sec. 19-59. Reserved.

#### **ARTICLE V. OPERATION AND MAINTENANCE PROVISIONS**

Sec. 19-60. Company office.  
Sec. 19-61. Telephone access.  
Sec. 19-62. Policies and practices.  
Sec. 19-63. Notice of program/channel changes.  
Sec. 19-64. Refunds to subscribers.  
Sec. 19-65. Customer service standards.  
Sec. 19-66. Maintenance and complaints.  
Sec. 19-67. Equal employment opportunity.  
Sec. 19-68. Annual report.  
Sec. 19-69. Reserved.

#### **ARTICLE VI. PROGRAMMING AND OTHER SERVICES**

Sec. 19-70. Broad categories of programming.  
Sec. 19-71. Public, educational, and government (PEG) channels.  
Sec. 19-72. Institutional networks.  
Secs. 19-73--19-79. Reserved.

#### **ARTICLE VII. FINANCIAL**

Sec. 19-80. Regulation of rates.  
Sec. 19-81. Federal Communications Commission submissions.  
Sec. 19-82. Franchise fee.  
Sec. 19-83. Audits.  
Sec. 19-84. Liability insurance.  
Sec. 19-85. Liquidated damages.  
Sec. 19-86. Indemnification and damages.  
Secs. 19-87--19-89. Reserved

#### **ARTICLE VIII. VIOLATIONS AND REMEDIES**

Sec. 19-90. Procedure for correcting franchise violations.  
Sec. 19-91. Revocation and removal.  
Secs. 19-92--19-99. Reserved.

#### **ARTICLE IX. MISCELLANEOUS**

Sec. 19-100. Time is of the essence.  
Sec. 19-101. Filing communications with regulatory agencies.  
Sec. 19-102. Access to records.  
Sec. 19-103. Nonenforcement by city.  
Sec. 19-104. Use of independent contractors.  
Sec. 19-105. Severability.  
Sec. 19-106. Titles.  
Sec. 19-107. Conflicting provisions.